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Bay Area birds since 1917*

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
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Att: Hanna Miller, Permit Analyst
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re: Golden Gate Audubon Society Comment on the Albany Beach Restoration and Public Access, Phases 2 and 3 Project by the East Bay Regional Park District, BCDCC Permit 2014.005.00

Dear Members of the BCDCC Commission,

Thank you for this opportunity for the Golden Gate Audubon Society (GGAS) to comment on the Albany Beach Restoration and Public Access, Phases 2 and 3 Project by the East Bay Regional Park District (PD). With 7,000 members throughout the San Francisco Bay area, GGAS is the first established Audubon chapter in the nation and is celebrating its centennial anniversary this year. GGAS engages people to experience the wonder of birds and translate that wonder into action; and protect native bird populations and their habitats.

GGAS supports the PD effort to restore Albany Beach, protect an area for enhanced sand dunes, seasonal wetland, and a rain garden. However, the risks from this project of harmful impacts to wildlife and the habitat on which they depend appear to be high. While the entire project area takes place on just over 7 acres, the public access plan invites a potentially excessive burden on this fragile 7 acre site from high human activity. This potential burden is evidenced by the Project Description statements describing intensive use by kite surfers, Water Trail site launch plans, convenient car to water access, rigging areas, a new parking lot for an additional 20 parking spaces, and bicycle parking.

THE COMMISSION RECOGNIZES THAT THE BAY IS AN AQUATIC HABITAT OF INTERNATIONAL IMPORTANCE AND IS CRITICAL HABITAT FOR 70% OF SHOREBIRDS, 50% OF DIVING DUCKS ALONG THE PACIFIC FLYWAY, TENS OF THOUSANDS OF AQUATIC SPECIES, AND COLONIAL NESTING BIRDS

The Commission's own findings recognize the irreplaceable ecological value of the Bay and its shoreline as a vital aquatic ecosystem that supports hundreds of thousands of aquatic birds and other wildlife. Development and public access inevitably results in

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significant harmful effects to the Bay's ecosystem function. Intense public access and development activities fragment and degrade the ecosystem. The more protection that can be provided from the impacts of development and public access, the less fragmented the ecosystem will be and the Bay's productivity will be better protected. The most successful projects ensure adequate protection of wildlife and habitats so that ecosystem function remains intact.

REDUCE THE FOOT PRINT OF THE PROPOSED RECREATIONAL FEATURES AND PROTECT THE SHORELINE AND BEACH ECOSYSTEM

The recreational features pose an unsustainable burden on the shoreline and beach ecosystem. Within just 7 acres, this project envisions just 1.1 acres for sand dune, seasonal wetland, and other vegetated areas. Allowing for a significant resulting zone of disturbance that surrounds this one acre perimeter, the project protects less than 10% of the acreage for wildlife, habitat, and ecosystem functions. That means that essentially 90% of this small 7-acre project is dedicated to high intensity aquatic sports and recreation. Under such conditions, the goal of protecting wildlife, their habitat, and the ecosystem is unsustainable.

THE COMMISSION'S MISSION AND THE MCATEER-PETRIS ACT REQUIRE ADEQUATE PROTECTION OF WILDLIFE AND THEIR HABITAT

Under its Mission Statement, the Commission has a duty to protect and enhance the San Francisco Bay and encourages responsible use of the Bay. Here, the Commission has a duty to demonstrate responsible use of the Bay and protect the wildlife and the shoreline and beach on which they depend.

Under the Mcateer-Petris Act, the Commission must use the best available scientific evidence to determine whether the access is compatible with wildlife protection. The planned intense water sports of a boat launch and kite surfing preclude any compatible protections for wildlife. Water sports and wildlife cannot occupy the same space. Either the habitat is protected for wildlife or the water sports are prioritized and the wildlife flee in terror. Here, with less than 10 % of protected area, fenced away from the shoreline, not only do the wildlife and habitat lack adequate protection, they cannot even access the beach or shoreline.

APPLY THE PRINCIPLES AND INTENT OF THE MCLAUGHLIN EASTSHORE PARK GENERAL PLAN TO THIS PROJECT

The PD's McLaughlin Eastshore Plan (MESPGP) applies to Albany Beach and encourages enhancement and protections for shoreline wildlife and habitat.¹ The MESP

¹ "[T]he proposed General Plan ... will avoid or substantially lessen the significant environmental impacts..."

McLaughlin Eastshore Regional Park General Plan, found at:

“comprises rich tidal marshes, subtidal areas, and mudflats that extend bayward from the shoreline including the ... Albany Mudflat.”² The Albany Waterfront area ... supports an abundant shorebird population and is a popular location for bird watching.”³ The principles and intent of the MESP GP prescribe methods for protecting the shoreline and beach ecosystems. “Seasonal wetlands provide drinking water to birds, raccoons, and other mammals, and foraging habitat for great blue herons and great egrets. Depending on the location and amount of disturbance, mallards and other water birds may rest, forage, and possibly even nest near the seasonal wetlands”⁴

Here, the project proposes intense human activity that will significantly increase harmful environmental impacts to the shoreline and to the beach and to the seasonal wetlands. GGAS urges the Commission to require the PD to adequately consider the mandate of the PD’s own MESP GP and reduce the footprint of the proposed recreational features.

PROTECT THE HABITAT FEATURES THAT SUPPORT HUNDREDS AND THOUSANDS OF AQUATIC BIRDS

During every year’s Christmas count, GGAS birdwatchers report hundreds of thousands of aquatic ducks, shorebirds, and associated uplands species that frequent the Albany shoreline and beach area. For example, it is routine to witness well over 10,000 Greater Scaup diving and resting near the shoreline. Last December, during their migration along the Pacific Flyway, well over 40 Turnstones were reported to be foraging along the beach shoreline.

eBird, the nationally recognized official bird reporting system, recognizes the Albany Beach area as a birding hotspot.⁵ This means that birds are found in this area at such a high rate that it is among California’s top birding destinations. Over 140 species are routinely catalogued at the Albany Beach area. Endangered species, such as the Least tern, are reported in the eBird list for this area.

If the recreational footprint of this project is not reduced, the impacts will likely significantly harm the characteristics that protect this habitat as a birding hotspot. GGAS urges the Commission and the PD to increase the habitat areas and reduce the recreational footprint so that ecosystem function remains sustainable.

THE COMMISSION HAS A DUTY TO PROTECT THE LAST REMAINING 10% OF WETLANDS ALONG THE BAY

http://www.ebparks.org/Assets/files/ebprd_eastshore_state_park_general_plan_revised_10-2004.pdf

² Ibid, p.13

³ Ibid, p. 36

⁴ Ibid, p. 53

⁵ eBird, found at: <http://ebird.org/ebird/hotspot/L178143>

Human development and public access has contributed to the degradation of the Bay's aquatic ecosystem and less than 10% of the region's wetlands remain intact.⁶ The Commission and the PD have a duty to diligently protect the Albany shoreline and beach as one of the last remaining 10% of wetlands in the Bay area from excessive public access and harm.

KEEP AQUATIC RECREATIONAL ACTIVITIES AT OR NEAR EXISTING MARINAS AND AWAY FROM FRAGILE BEACH HABITAT

GGAS urges the Commission and the PD to concentrate public access for aquatic recreational activities at or near existing marinas. With over 90% of all wetlands degraded or eliminated, Albany Beach deserves to be restored and protected as a pristine shoreline habitat.

KEEP DOGS LEASHED AND OFF THE BEACH

The Commission and the PD can easily reduce the harmful impacts of human activity by enforcing the PD's own Ordinance 38 and the State of California's laws against dogs on beaches. This ordinance and State law require that dogs be kept off beaches and be leashed at all times unless the area is specifically designated as an exception to these laws.

Dogs are perceived as predators. They harass and disturb wildlife. Shorebirds are ground-dwelling and cannot fly up to a perch. Their only defense is to fly away. The migratory shorebirds that frequent the Albany beach area arrive after having expended intense energy to fly 100's or thousands of miles. While in the Bay area and at the Albany Beach, they rest, forage, and restore themselves for their remaining migratory flight. The Commission and the PD have a duty to protect migratory birds from harassing dogs. GGAS urges that the PD and the Commission enforce their existing laws that protect wildlife and beach habitat from off-leash dogs.

Thank you for this opportunity to comment. Please contact GGAS about this project.

Respectfully,

Pam Young

Member, GGAS Board of Directors
Chair, GGAS East Bay Conservation Committee

⁶ "[S]and beaches have been heavily developed for human recreation and beachfront housing [and] about 90% of historic wetlands have been altered or lost to agriculture and urban development."

Southern California Shorebird Conservation Plan, p 7, found at:

<https://www.shorebirdplan.org/wp-content/uploads/2013/01/SoPacificRev04.pdf>

